

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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John Michael Farnum,

Case No. 2:13-cv-01304-APG-BNW

Petitioner,

ORDER

v.

Robert LeGrand, *et al.*,

Respondents.

Petitioner moves for an order that would permit supplemental briefing and set a briefing schedule. ECF No. 83. On October 26, 2022, the United States Court of Appeals for the Ninth Circuit issued a Memorandum remanding this habeas case to this court to evaluate petitioner's claim that his counsel was ineffective for failing to request a *Miller*¹ hearing to challenge alleged prior false allegations by the primary victim, A.R. ECF No. 82. Respondents do not oppose petitioner's motion, and I agree that further briefing is warranted. So, I grant the motion. I will also grant petitioner's request to file his opening brief sometime after February 1, 2023, to allow time for his counsel on appeal to seek appointment in this court.

I THEREFORE ORDER that petitioner's motion to permit supplemental briefing and to set a briefing schedule (ECF No. 83) is GRANTED. Petitioner has until **February 17, 2023**, to file an opening brief addressing the issues identified by the Ninth Circuit's remand. The respondents have **60 days** from the date petitioner's brief is filed to file their answering brief. Petitioner's reply brief is due **30 days** after the answering brief is filed.

DATED THIS 16th day of December, 2022.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

¹ *Miller v. State*, 779 P.2d 87 (Nev. 1989).